



DEPARTMENT OF ADMINISTRATIVE SERVICES

CITY OF CEDAR FALLS, IOWA  
220 CLAY STREET  
CEDAR FALLS, IOWA 50613  
319-273-8600  
FAX 319-268-5126

July 27, 2009

City of Cedar Falls, Iowa  
c/o Gary Hesse, City Clerk  
and Bob Seymour, Community Services Manager  
City of Cedar Falls, Iowa  
220 Clay Street  
Cedar Falls, IA 50613

Dear Mr. Hesse and Mr. Seymour:

I have examined the accompanying abstract of title in three (3) parts to the real estate legally described as:

**The South One-half of the Northwest Quarter and the North One-half of the Southwest Quarter of Section 35, Township 89 North, Range 14 West of the Fifth Principal Meridian, Black Hawk County, Iowa; except Parcel "A" of Plat of Survey 343 Misc 885 filed September 7, 2001 being a part of said South One-half of the Northwest Quarter and said North One-half of the Southwest Quarter; except Parcel "B" of Plat of Survey 343 Misc 883 filed September 7, 2001 being a part of said South One-half of the Northwest Quarter; except that part of said South One-half of the Northwest Quarter lying northerly and easterly of said Parcel "B"; and except those parts conveyed for road purposes in 91 LD 588 and 552 LD 939;**

commencing with the date of Government Entry, April 24, 1854; and certified by Black Hawk County Abstract & Title to August 14, 2006, at 8:00 A.M.; together with Black Hawk County Abstract & Title, Title Report No. 601228 covering the following described portion of the above-described real estate, to-wit:

**That part of the North  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of Section 35, Township 89 North, Range 14 West of the 5<sup>th</sup> P.M., Black Hawk County, Iowa, lying South of the South line of Lot 1, Target Perishable Food Distribution Center (PFDC) City of Cedar Falls, Black Hawk County, Iowa, Minor Plat recorded in Doc. #2008-00650, except for those parts conveyed for road in 91 LD 588 and 552 LD 939,**

reported to July 20, 2009, at 8:00 A.M., a copy of which title report, consisting of two (2) pages, is attached hereto; and from the records therein reported, we find that on July 20, 2009, at 8:00 A.M., good title of record to said property was duly vested in

**The City of Cedar Falls, Iowa,**

free from encumbrances and defects, except as follows:

1. Entry 29 -- The real estate under examination herein was annexed to the City of Cedar Falls, Iowa, by a court decree dated March 2, 1965, in Equity Case No. 40843, which was filed April 9, 1965, in Book 158 of Miscellaneous Records at Page 543 in the Office of the Recorder of Black Hawk County, Iowa.

2. Entry 48 -- The real estate is subject to Iowa State Highway Commission Resolution of Controlled Access filed July 18, 1956, in Book 98 of Miscellaneous Records at Page 331 in the Office of the Recorder of Black Hawk County, Iowa. This Resolution of Controlled Access was filed pursuant to Chapter 145 of the 56th General Assembly of the State of Iowa. Pursuant to this Resolution, direct access to primary roads in Black Hawk County, Iowa, are strictly limited and restricted as provided by law.

3. Entry 49 -- The real estate is subject to City of Cedar Falls Flood Plain District Ordinance No. 1764, filed February 13, 1985, in Book 260 of Miscellaneous Records at Page 412. You are referred to the ordinance for information on how it may affect your use and enjoyment of the property.

4. Entry 50 -- This entry shows the City of Cedar Falls Zoning Ordinance, filed November 9, 1992, in Book 303 of Miscellaneous Records at Page 702. Pursuant to this ordinance, the real estate is included in the A-1 Agricultural Zoning District. See also paragraph 11 and Entry 52.

5. Entry 51 -- The real estate is subject to the Cedar Falls Industrial Park Expanded Urban Renewal Plan implemented by Ordinance No. 2122 filed November 22, 1995, in Book 318 of Miscellaneous Records at Page 661. You are referred to the ordinance and the Urban Renewal Plan for information on how it may affect your use and enjoyment of the property.

6. Entry 52 -- This entry shows City of Cedar Falls Ordinance No. 2345, removing a portion of the real estate under examination herein from the A-1 Agricultural Zoning District and placing it in the M-1 Light Industrial Zoning District. The ordinance was adopted July 23, 2001, and was filed August 3, 2001, in Book 343 of Miscellaneous Records at Page 499. As shown by the map that is attached to the back of the abstract, only the north 2,200 feet of the NW 1/4 of Section 35 is rezoned M-1, Light Industrial District. This appears to include only the extreme northwesterly corner of the real estate under examination herein. The bulk of the real estate remains in the A-1 Agricultural Zoning District.

7. General taxes for fiscal year 2007-2008, payable in fiscal year 2008-2009, are shown as "no taxes assessed (City owned real estate)." General taxes for fiscal year 2008-2009, payable in fiscal year 2009-2010, are not available.

8. You should determine whether any solid wastes, hazardous substances, pollutants, above or below ground storage tanks, drainage wells, water wells, landfill sites or other environmentally regulated conditions exist on the property. Such conditions are not ordinarily shown in the abstract, but they may result in injunctions, fines, required cleanup, or other remedial actions under federal, state or local laws. These laws may impose liens against the property and personal liability against the owner, even though the owner did nothing to create the condition, and acquired the property without knowing about it.

CAUTION

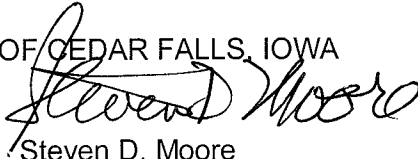
Please take notice of the following matters that cannot be determined by examination of the abstract:

- A. rights of persons in possession other than titleholders of record;
- B. any facts that would be disclosed by a survey;
- C. any facts that would be disclosed by an environmental audit;
- D. easements that are not recorded, but are apparent or can be proved by physical evidence of their use; and
- E. the right to file mechanic's liens against the premises for labor or materials furnished in connection with improvements thereon, within ninety days from the furnishing of the last item.

Very truly yours,

CITY OF CEDAR FALLS, IOWA

By:



Steven D. Moore  
City Attorney  
Title Guaranty No. 1111

SDM/sjl

C: Barb Hugi



Tel: 319-291-4000      614 Sycamore  
Fax: 319-291-3929      Waterloo, Iowa 50703  
www.blackhawkabstract.com

**TITLE REPORT**

NO. 601228

To: City of Cedar Falls Developmental Services      Attn: Bob Seymour

**Description:**

That part of the North  $\frac{1}{2}$  of the SW $\frac{1}{4}$  of Section 35, Township 89 North, Range 14 West of the 5<sup>th</sup> P.M., Black Hawk County, Iowa, lying South of the South line of Lot 1, Target Perishable Food Distribution Center (PFDC) City of Cedar Falls, Black Hawk County, Iowa, Minor Plat recorded in Doc. #2008-00650, except those parts conveyed for road in 91 LD 588 and 552 LD 939

**Last Grantee, Devisee, or Heir of Record:**

City of Cedar Falls, Iowa, by Court Officer Deed Doc. #2007-05517 dated 8/29/2006 filed 9/5/2006 from Estate of Hazel R. Andersen, deceased; transfer tax \$1,519.20 attached (also includes other real estate)

**Unreleased Mortgages and Assignments:** None

**Outstanding Land Contracts and Fixture Filings:** None

**Court Proceedings, Judgments, and Tax Liens:** None

**Taxes and Special Assessments:**

Real Estate Tax for 08/09 - no taxes assessed (City owned real estate)

General Taxes for the year 2008 payable 9/30/09 and 3/31/10 not available.

**Reported to:** July 20, 2009 at 8:00 A.M.

NOTE: NO LIABILITY FOR ERRORS OR OMISSIONS WILL ACCRUE TO THE BENEFIT OF ANY OTHER PERSON, FIRM OR CORPORATION. NO REPORT IS MADE OF INSTRUMENTS OR PROCEEDINGS NOT WITHIN THE LISTED CATEGORIES. NO OPINION IS OFFERED ON THE LEGAL EFFECT OR VALIDITY OF AN INSTRUMENT OR PROCEEDING REPORTED.

[illegible]